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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,246	11/09/2004	Erwin Muller	FRR-15710	8884
40854 7590 06/27/2007 RANKIN, HILL, PORTER & CLARK LLP 4080 ERIE STREET WILLOUGHBY, OH 44094-7836			EXAMINER NICHOLSON III, LESLIE AUGUST	
			ART UNIT 3651	PAPER NUMBER
			MAIL DATE 06/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/511,246

Applicant(s)

MULLER, ERWIN

Examiner

Leslie A. Nicholson III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 18-24 have been considered but are moot in view of the new ground(s) of rejection.

Due to Applicant's amendments and/or arguments, all previous drawing objections, as well as all 35 USC 112 1st and 2nd paragraph rejections are hereby withdrawn.

Drawings

2. The replacement drawings were received on 6/11/2007. These drawings are acceptable.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 22-24 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22 invokes means plus function language, however, the means for is modified by structure (the grippers; line 13) for achieving the function. See MPEP 2181.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reist USP 4,866,910 in view of Muller USP 5,727,781.

Reist discloses an installation for the serial supply of individual quantities of flat products comprising:

- A means for superimposing a supply stream (15-18) of one type of part products each to form a row of part product groups (C7/L20-32,52-C8/L11 discloses the winding/unwinding rolls can be reversed)
- A winding station (28) for winding the row onto a roll core to form a roll
- A further winding station (27) for restoring the row by unwinding the roll
- means for separating part product groups from the front end of the restored row, wherein the means for separating comprises a plurality of grippers (102) and for removing the groups from the head end of the row in a direction substantially perpendicular to the direction of the restored row (the grippers lift the products in the vertical direction)

Reist does not expressly disclose superimposing a plurality of supply streams.

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Muller teaches superimposing a plurality of supply streams for the purpose of combining printed products of a plurality of types to form sets having products of each type (at least abstract).

At the time of invention it would have been obvious to one having ordinary skill in the art to superimpose a plurality of supply streams, as taught by Muller, in the device (or method) of Reist, for the purpose of combining printed products of a plurality of types to form sets having products of each type.

7. Claims 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boss USP 4,684,118 in view of Muller USP 5,727,781 and Reist USP 6,270,076.

Boss discloses an installation for the serial supply of individual quantities of flat products comprising:

- A means for superimposing a supply stream of one type of part products each to form a row of part product groups (fig.3)
- A winding station (17) for winding the row onto a roll core to form a roll
- A further winding station (17) for restoring the row by unwinding the roll
- means (8) for separating part product groups from the front end of the restored row, and for removing the groups from the head end of the row in a direction substantially perpendicular to the direction of the restored row (fig.1)

Boss does not expressly disclose superimposing a plurality of supply streams or the means for separating comprising a plurality of grippers.

Muller teaches superimposing a plurality of supply streams for the purpose of combining printed products of a plurality of types to form sets having products of each type (at least abstract).

At the time of invention it would have been obvious to one having ordinary skill in the art to superimpose a plurality of supply streams, as taught by Muller, in the device (or method) of Boss, for the purpose of combining printed products of a plurality of types to form sets having products of each type.

Reist teaches the means for separating comprising a plurality of grippers (fig.10,11) for the purpose of storing or accumulating the printed products (C6/L12-19,42-65).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a plurality of grippers, as taught by Reist, in the device (or method) of Boss, for the purpose of storing or accumulating the printed products.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER

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